

AMENDED IN SENATE APRIL 12, 2005

**SENATE BILL**

**No. 987**

**Introduced by Senator Migden**

February 22, 2005

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An act to amend Sections 131010, 131100, 131103, 131241, ~~131268~~, and 131285 of the Public Utilities Code, relating to transportation.

LEGISLATIVE COUNSEL'S DIGEST

SB 987, as amended, Migden. County transportation authorities.

The Bay Area County Traffic and Transportation Funding Act authorizes each of the 9 counties in the Bay Area to impose a 1/2 or 1% sales tax for transportation purposes, subject to voter approval. Existing law provides for the establishment of a county transportation authority in each county imposing a sales tax under these provisions, requires the development of a county transportation expenditure plan, and specifies the powers and duties of a county board of supervisors and the county transportation authority in this regard. Existing law generally requires the proceeds of the tax to be expended in the county of origin, except that the County of San Mateo may spend a portion of its tax proceeds in another county if so provided in its county transportation expenditure plan.

This bill would authorize any of the 9 counties to spend a portion of its tax proceeds in another county if so provided in its county transportation expenditure plan. The bill would also authorize the membership of the county transportation authority to be specified in the tax ordinance, would authorize the authority to be the sponsoring agency for projects included in the expenditure plan, and would change the existing ~~specified dollar amounts for compensation of a member of an authority and the threshold for contracts to be competitively bid to unspecified amounts~~ ~~\$75,000~~.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 131010 of the Public Utilities Code is  
2 amended to read:  
3 131010. "Sponsoring agency" means a governmental agency,  
4 including a county transportation authority, that has  
5 transportation responsibilities in the county in which a retail  
6 transactions and use tax ordinance has been approved pursuant to  
7 this division.  
8 SEC. 2. Section 131100 of the Public Utilities Code is  
9 amended to read:  
10 131100. (a) The Legislature, by the enactment of this chapter  
11 intends a county transportation authority or the commission,  
12 pursuant to a county transportation expenditure plan adopted  
13 pursuant to Section 131055, to use any additional funds provided  
14 by this chapter to supplement existing local revenues being used  
15 for public transportation purposes listed in the plan. The  
16 Legislature further intends that the funds provided pursuant to  
17 this chapter shall not replace funds previously provided by  
18 property tax revenues for public transportation purposes. The  
19 nine-county San Francisco Bay area is further encouraged to  
20 maintain its existing commitment of local funds for public  
21 transportation purposes.  
22 (b) Any tax revenue generated pursuant to this chapter shall be  
23 expended in the county of origin, except that tax revenue  
24 generated may be expended within and outside the county of  
25 origin if so provided in the adopted county transportation  
26 expenditure plan. However, the tax revenues may be exchanged  
27 for federal or state funds available to another county or local  
28 government for transportation purposes if the exchange will  
29 benefit the county of origin.  
30 (c) (1) In order to receive funds from the Counties of  
31 Alameda and Contra Costa and the City and County of San  
32 Francisco pursuant to this chapter, the San Francisco Bay Area  
33 Rapid Transit District shall agree to match from federal, state, or  
34 other funds available to the district, at least as much as it receives

1 from the additional funds provided by this chapter from those  
2 counties.

3 (2) The funds the district received pursuant to this chapter, and  
4 its matching funds therefor, shall be used only for capital  
5 expenditures.

6 SEC. 3. Section 131103 of the Public Utilities Code is  
7 amended to read:

8 131103. The county, in the retail transactions and use tax  
9 ordinance, shall state the nature of the tax to be imposed and  
10 shall specify the purposes for which the revenues derived from  
11 the tax will be used, and may state the membership of the county  
12 transportation authority.

13 SEC. 4. Section 131241 of the Public Utilities Code is  
14 amended to read:

15 131241. (a) The county transportation authority shall consist  
16 of the members who are elected officials as specified in the  
17 county transportation expenditure plan or in the retail  
18 transactions and use tax ordinance, and shall be appointed by  
19 each constituent local government within 45 days after the  
20 authority is created.

21 (b) At the first meeting of the county transportation authority,  
22 one-half of the members, and the odd-numbered member if the  
23 membership of the county transportation authority is  
24 odd-numbered, shall be selected by lot to serve terms consisting  
25 of the remaining months of the current calendar year, if any, plus  
26 two years, and the remaining members shall be selected by lot to  
27 serve a term consisting of the remaining months of the current  
28 calendar year, if any, plus three-years. Thereafter, appointments  
29 for all members shall be for two-year terms, beginning on  
30 January 1.

31 (c) If any member or alternate member ceases to be an elected  
32 official, that member shall cease to be a member of the county  
33 transportation authority, and another member shall be appointed  
34 for the remainder of the term by the constituent local government  
35 that that member represents.

36 (d) An alternate may be designated for each regular member.  
37 A regular member who, pursuant to the county transportation  
38 expenditure plan, serves by virtue of holding a specified public  
39 office, may designate a person to serve as his or her alternate. In  
40 the case of any other regular member, the appointing constituent

1 local government may designate an alternate to the regular  
2 appointed member. The alternate's term of office shall be the  
3 same as that of the regular member. When the regular member is  
4 not present at the meeting of the authority, the alternate may act  
5 as the regular member and shall have all the rights, privileges,  
6 and responsibilities of the regular member.

7 ~~SEC. 5. Section 131268 of the Public Utilities Code is~~  
8 ~~amended to read:~~

9 ~~131268. Each member of a county transportation authority~~  
10 ~~shall be compensated at the rate of \_\_\_\_\_ dollars(\$\_\_\_\_) for each~~  
11 ~~day attending the business of the authority, but not to exceed~~  
12 ~~\_\_\_\_\_ dollars(\$\_\_\_\_) in any month, and necessary traveling~~  
13 ~~and personal expenses incurred in the performance of his or her~~  
14 ~~duties as authorized by the county transportation authority.~~

15 ~~SEC. 6.~~

16 ~~SEC. 5. Section 131285 of the Public Utilities Code is~~  
17 ~~amended to read:~~

18 ~~131285. Contracts for the purchase of supplies, equipment,~~  
19 ~~and materials in excess of \_\_\_\_\_ *seventy-five thousand*~~  
20 ~~dollars(\$\_\_\_\_) (\$75,000) shall be awarded to the lowest~~  
21 ~~responsible bidder after competitive bidding, except in an~~  
22 ~~emergency declared by the vote of two-thirds of the voting~~  
23 ~~membership of the county transportation authority.~~